1951. K File No. Beggars II
51 (R)

Legal Deptt.

B. BRANCH

Subject:— Rules under the Bihar Beggars Act 1945

P.H
E

File No. Beggars II /51 (R)

Gen. 194 a.

392- B

Office of the R.L.A.

A revised draft notification is sent herewith .

Remembrancer of Legal Affairs.

U.R. to H.D. No. 4324 , dated 16th March 1961.

SSM / 20/6/56.

NOTIFICATION:

Home Department,
Bombay Castle, March 1951.

Bombay Beggars Act, 1945.

No. 5913/6,- The following draft of a notification which it is proposed to issue under section 33 of the Bombay Beggars Act, 1945 (Bom. XXIII of 1945), is published as required by sub-section (1) of the said section 33 for the information of all persons likely to be affected thereby and notice ~~of~~ is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the 1951.

2. Any objection ~~or~~ or suggestion which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft on or before the date aforesaid will be considered by Government.

Draft Notification.

In exercise of the powers conferred by section 33 of the Bombay Beggars Act, 1945 (Bom. XXIII of 1945), the Government of Bombay is pleased to amend the Bombay Beggars Rules, 1945, as follows, namely:-

In rule 15 of the said Rules, for the words "Poor Fund" wherever they occur the words "Welfare Fund" shall be substituted.

By order of the Governor of Bombay,

Deputy Secretary to Government.

SSM / 20/6/56.

Office of the R.L.A.

The proposal of the Chief Inspector of Certified Institutions, Poona for making rules providing that the property of an inmate dying in a certified institution or of an inmate escaping from a certified institution should be credited to the Poor Fund Account under the circumstances stated by him would not be in order in view of the provisions of article 286 of the Constitution of India.

Rules can, however, be made providing that in the absence of any relative claiming the property of the deceased or escaped inmate, such property can be made over to the police who would deal with the property in the manner provided in sections 82 to 88 of the Bombay Police Act, 1951.

Remembrancer of Legal Affairs

U.R.F.P. No.12750, Dated the 8th August 1951.

SSM / 20/6/56.

Legal Department.

Sections

Section 20 of the Bombay Beggars Act, 1945 (Bom. VIII of 1945), empowers the Chief Inspector of Certified Institutions to grant permission to a person detained in a certified institution to absent himself for short periods or release him conditionally by granting him a licence. There is no provision in the act enabling Government to delegate this power of the Chief Inspector to the Superintendent of a certified institution, and in the absence of such provision the proposal to authorize by a rule under section 33 of of the Act, the Superintendent of a certified institution to grant such permission would be ultra vires the Act. A similar question arose in the case of Ellis vs. Dubowski (1921) 3 K. B. 621. In that case a County Council which had power to licence films purported to delegate its powers to the British Board of Film Censors. The Court held that the County Council had no authority to delegate its functions to that unofficial body. (vide 'Freedom under the Law' by Sir Alfred Deningg, page 101).

Deputy Secretary to Government

H.R. to H.D., No. 15173, dated the 22nd September 1951.